

Jeanne L. Zimmer (SBN: 123321)
Zimmerj@cmtlaw.com
Tamar Gabriel (SBN: 266860)
Gabrielt@cmtlaw.com
CARLSON & MESSER LLP
5959 W. Century Boulevard, Suite 1214
Los Angeles, California 90045
(310) 242-2200 Telephone
(310) 242-2222 Facsimile

Attorneys for Defendant,
MIDLAND FUNDING, LLC

FILED
2013 OCT -3 PM 2:41
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALI NAKHJAVANI

Plaintiff,

vs.

MIDLAND FUNDING, LLC and
DOES 1 through 20, inclusive,

Defendant.

CASE NO. SACV 13-1555-JLS
(JPR)

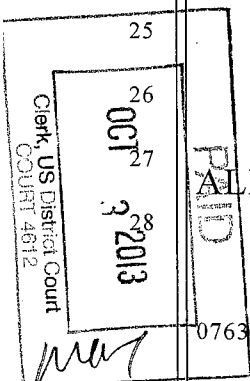
NOTICE OF REMOVAL

DEFENDANT'S NOTICE OF REMOVAL

Defendant MIDLAND FUNDING, LLC hereby files this notice of removal
under 28 U.S.C. §1446(a).

INTRODUCTION

1. Defendant is MIDLAND FUNDING, LLC ("Defendant"); Plaintiff is
ALI NAKHJAVANI ("Plaintiff").



1 2. Upon information and belief, Plaintiff initially filed this case on
2 October 24, 2012 in the Superior Court of California, County of Orange, Case
3 No. 30-2012-00607403-CL-NP-NJC. A true and correct copy of Plaintiff's
4 original Summons and Complaint is attached hereto as Exhibit "A."

5
6 3. On September 3, 2013, Defendant was personally served with the
7 Summons and a copy of Plaintiff's Complaint.

8
9 4. As Defendant received Plaintiff's Complaint on September 3, 2013,
10 Defendant files this notice of removal within the 30-day time period required by
11 28 U.S.C. §1446(b), and as extended via FRCP 6. See *Wells v. Gateways Hosp.*
12 & *Mental Health Ctr.*, 1996 U.S. App. LEXIS 2287 at *2 (9th Cir. Cal. Jan. 30,
13 1966).
14

15
16 **A. BASIS FOR REMOVAL**

17 6. Removal is proper because Plaintiff's Complaint involves a federal
18 question. 28 U.S.C. §§1331, 1441(b); *Long v. Bando Mfg. of Am., Inc.*, 201 F.3d
19 754, 757-58 (6th Cir. 2000); *Peters v. Union Pac. R.R.*, 80 F.3d 257, 260 (8th
20 Cir. 1996). Specifically, Plaintiff has alleged claims that arise under 15 U.S.C. §
21 1692, *et seq.* for alleged violations of the Fair Debt Collection Practices Act. It
22 is therefore an action of which this Court has original jurisdiction under 28
23 U.S.C. § 1331, and may be removed to this Court by Defendant pursuant to the
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25
26
27
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1 provisions of 28 U.S.C. § 1441(a). This Court also has supplemental jurisdiction
2 over Plaintiff's state claims pursuant to 28 U.S.C. § 1367.

3 8. Venue is proper in this district under 28 U.S.C. §1441(a) because this
4 district and division embrace the place where the removed action has been
5 pending.
6

7 9. Defendant will promptly file a copy of this notice of removal with the
8 clerk of the state court where the action has been pending.
9

10 **B. JURY DEMAND**

11 10. Plaintiff demands a jury in the state court action. Defendant also
12 demands a jury trial.
13

14 **C. CONCLUSION**

15 11. Defendant respectfully requests removal of this action as it involves
16 a Federal question under the Fair Debt Collection Practices Act, 15 U.S.C.
17 §1692.
18

19
20 DATED: October 2, 2013

CARLSON & MESSER LLP

21
22 By: /s/ Tamar Gabriel
23 Jeanne L. Zimmer
24 Tamar Gabriel
25 Attorneys for Defendant,
26 MIDLAND FUNDING, LLC
27
28

Exhibit A

SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

MIDLAND FUNDING, LLC; AND, DOES 1-20, INCLUSIVE,

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ALI NAKHJAVANI,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED
Superior Court of California.
County of Orange

05/13/2013 at 09:33:00 AM

Clerk of the Superior Court
By Julie Carney, Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California
County of Orange - North Justice Center
1275 N Berkeley Street, Fullerton, CA 92838

CASE NUMBER:
(Número del Caso):

30-2012-00607403-CL-NP-NJC

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Matthew M. Loker, Esq. (SBN 279939), 2700 N. Main St., Ste. 1000, Santa Ana, CA 92705, 800-400-6808

DATE: 05/13/2013 ALAN CARLSON, Clerk of the Court
(Fecha)

Clerk, by Julie Carney, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

Julie Carney



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): **MIDLAND FUNDING, LLC**

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)

- ☒ other (specify): **LIMITED LIABILITY COMPANY**
4. ☐ by personal delivery on (date):

Items 1-6 below must be completed (see instructions on page 2).

- (TYPE OR PRINT NAME)

NOTICE

- Page 1 of 1

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)
Auto (22)—Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)	Breach of Rental/Lease	Construction Defect (10)
	Contract (not unlawful detainer or wrongful eviction)	Claims Involving Mass Tort (40)
	Contract/Warranty Breach—Seller	Securities Litigation (28)
	Plaintiff (not fraud or negligence)	Environmental/Toxic Tort (30)
	Negligent Breach of Contract/Warranty	Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)
Other P/DPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other Breach of Contract/Warranty	Enforcement of Judgment
Asbestos (04)	Collections (e.g., money owed, open book accounts) (09)	Enforcement of Judgment (20)
Asbestos Property Damage	Collection Case—Seller Plaintiff	Abstract of Judgment (Out of County)
Asbestos Personal Injury/Wrongful Death	Other Promissory Note/Collections Case	Confession of Judgment (non-domestic relations)
Product Liability (not asbestos or toxic/environmental) (24)	Insurance Coverage (not provisionally complex) (18)	Sister State Judgment
Medical Malpractice (45)	Auto Subrogation	Administrative Agency Award (not unpaid taxes)
Medical Malpractice—Physicians & Surgeons	Other Coverage	Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Professional Health Care Malpractice	Other Contract (37)	Other Enforcement of Judgment Case
Other P/DPD/WD (23)	Contractual Fraud	Miscellaneous Civil Complaint
Premises Liability (e.g., slip and fall)	Other Contract Dispute	RICO (27)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Real Property	Other Complaint (not specified above) (42)
Intentional Infliction of Emotional Distress	Eminent Domain/Inverse Condemnation (14)	Declaratory Relief Only
Negligent Infliction of Emotional Distress	Wrongful Eviction (33)	Injunctive Relief Only (non-harassment)
Other P/DPD/WD	Other Real Property (e.g., quiet title) (26)	Mechanics Lien
Non-P/DPD/WD (Other) Tort	Writ of Possession of Real Property	Other Commercial Complaint Case (non-tort/non-complex)
Business Tort/Unfair Business Practice (07)	Mortgage Foreclosure	Other Civil Complaint (non-tort/non-complex)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)	Quiet Title	
Defamation (e.g., slander, libel) (13)	Other Real Property (not eminent domain, landlord/tenant, or foreclosure)	Miscellaneous Civil Petition
Fraud (16)	Unlawful Detainer	Partnership and Corporate Governance (21)
Intellectual Property (19)	Commercial (31)	Other Petition (not specified above) (43)
Professional Negligence (25)	Residential (32)	Civil Harassment
Legal Malpractice	Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)	Workplace Violence
Other Professional Malpractice (not medical or legal)	Judicial Review	Elder/Dependent Adult Abuse
Other Non-P/DPD/WD Tort (35)	Asset Forfeiture (05)	Election Contest
Employment	Petition Re: Arbitration Award (11)	Petition for Name Change
Wrongful Termination (36)	Writ of Mandate (02)	Petition for Relief From Late Claim
Other Employment (15)	Writ—Administrative Mandamus	Other Civil Petition
	Writ—Mandamus on Limited Court Case Matter	
	Writ—Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal—Labor Commissioner Appeals	

1 **KAZEROUNI LAW GROUP, APC**
2 Abbas Kazerounian, Esq. (SBN: 249203)
3 ak@kazlg.com
4 Matthew M. Loker, Esq. (SBN: 279939)
5 ml@kazlg.com
6 2700 N. Main Street, Ste. 1000
7 Santa Ana, California 92705
8 Telephone: (800) 400-6808
9 Facsimile: (800) 520-5523

10 *Attorneys for Plaintiff,*
11 Ali Nakhjavani

12 **SUPERIOR COURT OF CALIFORNIA**
13 **COUNTY OF ORANGE – NORTH JUSTICE CENTER - LIMITED**

14 **ALI NAKHJAVANI,**

15 Plaintiff,

16 v.

17 **MIDLAND FUNDING, LLC; AND,**
18 **DOES 1-20, INCLUSIVE,**

19 Defendants.

ELECTRONICALLY FILED
Superior Court of California,
County of Orange

10/24/2012 at 04:21:38 PM

Clerk of the Superior Court
By Linda Contreras, Deputy Clerk

Case No.: 30-2012-00607403-CL-NP-NJC

**COMPLAINT FOR DAMAGES FOR
VIOLATIONS OF:**

**I. THE ROSENTHAL FAIR DEBT
COLLECTION PRACTICES ACT CAL.
CIV. CODE §§ 1788-1788.32; AND,**

**II. THE FAIR DEBT COLLECTION
PRACTICES ACT 15 U.S.C. §§ 1692-
1692(P)**

JURY TRIAL DEMANDED

LIMITED – UNDER \$10,000.00

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2700 N. Main Street, Ste. 1000
Santa Ana, California 92705

1 INTRODUCTION

2 1. The California legislature has determined that the banking and credit system and grantors
3 of credit to consumers are dependent upon the collection of just and owing debts and that
4 unfair or deceptive collection practices undermine the public confidence that is essential to
5 the continued functioning of the banking and credit system and sound extensions of credit
6 to consumers. The Legislature has further determined that there is a need to ensure that
7 debt collectors exercise this responsibility with fairness, honesty, and due regard for the
8 debtor's rights and that debt collectors must be prohibited from engaging in unfair or
9 deceptive acts or practices.¹

10 2. ALI NAKHJAVANI ("Plaintiff"), by Plaintiff's attorneys, brings this action to challenge
11 the actions of MIDLAND FUNDING, LLC ("Defendant"), and DOES 1-20, with regard to
12 attempts by Defendant, debt collector, to unlawfully and abusively collect a debt allegedly
13 owed by Plaintiff, and this conduct caused Plaintiff damages.

14 3. Unless otherwise indicated, the use of any Defendant's name in this Complaint includes all
15 agents, employees, officers, members, directors, heirs, successors, assigns, principals,
16 trustees, sureties, subrogees, representatives, and insurers of that defendant named.

17 JURISDICTION AND VENUE

18 4. Jurisdiction of this Court is proper because the events leading to Plaintiff's causes of action
19 occurred in the County of Orange and in the State of California.

20 5. This action arises out of Defendant's violations of (i) the Rosenthal Fair Debt Collection
21 Practices Act, California Civil Code §§ 1788-1788.32 ("RFDCPA"); and, (ii) the Fair Debt
22 Collection Practices Act, 15 U.S.C. §§ 1692-1692(p) ("FDCPA").

23 6. Because Defendants do business within the State of California, personal jurisdiction is
24 established.

25 7. Plaintiff makes these allegations on information and belief, with the exception of those
26 allegations that pertain to a Plaintiff, or to a Plaintiff's counsel, which Plaintiff alleges on
27 personal knowledge.

28 ¹ Cal. Civ. Code §§ 1788.1 (a)-(b)

1 8. While many violations are described below with specificity, this Complaint alleges
2 violations of the statutes cited in their entirety.

3 9. Unless otherwise stated, Plaintiff alleges that any violations by Defendants were knowing
4 and intentional, and that Defendants did not maintain procedures reasonably adapted to
5 avoid any such violation.

6 10. Unless otherwise indicated, the use of any Defendants' name in this Complaint includes all
7 agents, employees, officers, members, directors, heirs, successors, assigns, principals,
8 trustees, sureties, subrogees, representatives, and insurers of that Defendants named.

9 11. Venue is proper.

10 PARTIES

11 12. Plaintiff is a natural person who resides in the City of Fullerton, County of Orange, State of
12 California, from whom a debt collector sought to collect a consumer debt which was due
13 and owing or alleged to be due and owing from Plaintiff, and is a "debtor" as that term is
14 defined by California Civil Code § 1788.2(h). In addition, Plaintiff is a "consumer" as that
15 term is defined by 15 U.S.C. § 1692a(3).

16 13. Plaintiff is informed and believes, and thereon alleges, that Defendant is a company
17 operating from the County of San Diego, State of California.

18 14. Plaintiff is informed and believes, and thereon alleges, that Defendant, in the ordinary
19 course of business, regularly, on behalf of themselves or others, engage in debt collection
20 as that term is defined by California Civil Code § 1788.2(b), and are therefore "debt
21 collectors" as that term is defined by California Civil Code § 1788.2(c) and 15 U.S.C. §
22 1692a(6).

23 15. This case involves money, property or their equivalent, due or owing or alleged to be due
24 or owing from a natural person by reason of a consumer credit transaction. As such, this
25 action arises out of a "consumer debt" and "consumer credit" as those terms are defined by
26 Cal. Civ. Code § 1788.2(f) and a "debt" as that term is defined by 15 U.S.C. 1692a(5).

27 16. The true names and capacities, whether individual, corporate (including officers and
28 directors thereof), associate or otherwise of Defendants sued herein as DOES 1 through 20,

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Santa Ana, California 92705

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2700 N. Main Street, Ste. 1000
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1 inclusive, are unknown to Plaintiff, who therefore sues these Defendants by such fictitious
2 names, pursuant to the California Civil Procedure Code § 474. Plaintiff is informed and
3 believes, and thereon alleges that each Defendant designated as a DOE is involved in or is
4 in some manner responsible as a principal, beneficiary, agent, co-conspirator, joint
5 venturer, alter ego, third party beneficiary, or otherwise, for the agreements, transactions,
6 events and/or acts hereinafter described, and thereby proximately caused injuries and
7 damages to Plaintiff. Plaintiff requests that when the true names and capacities of these
8 DOE Defendants are ascertained, they may be inserted in all subsequent proceedings, and
9 that this action may proceed against them under their true names.

10 17. Plaintiff is informed and believes, and thereon alleges that at all times herein mentioned,
11 Defendants DOES 1 through 20, were agents or employees of each of their co-defendants
12 and, in doing the things hereafter mentioned, each was acting in the scope of his authority
13 as such agent or employee and with the permission and consent of their co-defendants, and
14 each of them.

15 FACTUAL ALLEGATIONS

16 18. At all times relevant, Plaintiff is an individual residing within the State of California.

17 19. Plaintiff is informed and believes, and thereon alleges, that at all times relevant, Defendant
18 conducted business in the State of California.

19 20. In or about 2008, Plaintiff allegedly incurred financial obligations to the original creditor,
20 Washington Mutual, original account number 4185-8724-5564-5565, that were money,
21 property, or their equivalent, which is due or owing, or alleged to be due or owing, from a
22 natural person to another person and were therefore "debt(s)" as that term is defined by
23 California Civil Code §1788.2(d), and a "consumer debt" as that term is defined by
24 California Civil Code §1788.2(f) and 15 U.S.C. § 1692a(6).

25 21. Sometime thereafter, Plaintiff allegedly fell behind in the payments allegedly owed on the
26 alleged debt. Plaintiff currently takes no position as to whether or not this alleged debt was
27 actually owed.

28 ///

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 Santa Ana, California 92705

- 1 22. Subsequently, the alleged debt was allegedly assigned, placed, or otherwise transferred, to
- 2 Defendant for collection.
- 3 23. As a result, Plaintiff has received numerous telephone calls per day from Defendant
- 4 regarding the alleged debt. These telephone calls were "communications" as 15 U.S.C. §
- 5 1692a(2) defines that term, and a "debt collection" as that phrase is defined by Cal. Civ.
- 6 Code § 1788.2(b).
- 7 24. On September 25, 2012, Plaintiff requested in writing via facsimile that Defendant cease
- 8 and desist further communications with Plaintiff. Thereafter, at 3:10 p.m. on September
- 9 25, 2012, Defendant received Plaintiff's written request to cease and desist further
- 10 communications with Plaintiff.
- 11 25. Despite receiving Plaintiff's written request, Defendant initiated multiple telephonic
- 12 communications with Plaintiff on September 27, 2012; September 29, 2012; and, October
- 13 10, 2012. Such contact after a cease and desist request was received constitutes a violation
- 14 of 15 U.S.C. § 1692c(c), which is incorporated into the RFDCPA through Cal. Civ. Code §
- 15 1788.17. Thus, Defendant has violated Cal. Civ. Code § 1788.17.
- 16 26. Furthermore, Defendant also sent Plaintiff a letter via U.S. Mail dated September 29, 2012
- 17 despite receiving Plaintiff's cease and desist request. Such contact after a cease and desist
- 18 request was received constitutes a violation of 15 U.S.C. § 1692c(c), which is incorporated
- 19 into the RFDCPA through Cal. Civ. Code § 1788.17. Thus, Defendant has violated Cal.
- 20 Civ. Code § 1788.17.
- 21 27. Through this conduct, Defendant participated in communications with Plaintiff concerning
- 22 the alleged debt. Consequently, has also violated Cal. Civ. Code § 1788.17. In addition,
- 23 Defendant violated 15 U.S.C. § 1692c(c).

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CAUSES OF ACTION CLAIMED BY PLAINTIFF

COUNT I

VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

Cal. Civ. Code §§ 1788-1788.32 (RFDCPA)

[Against All Defendants]

28. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

29. The foregoing acts and omissions constitute numerous and multiple violations of the RFDCPA.

30. As a result of each and every violation of the RFDCPA, Plaintiff is entitled to any actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory damages for a knowing or willful violation in the amount up to \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b); and reasonable attorney's fees and costs pursuant to Cal. Civ. Code § 1788.30(c) from each Defendant individually.

COUNT II

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. §§ 1692-1692(p) (FDCPA)

[Against All Defendants]

31. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

32. The foregoing acts and omissions constitute numerous and multiple violations of the FDCPA.

33. As a result of each and every violation of the FDCPA, Plaintiff is entitled to any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages for a knowing or willful violation in the amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from each Defendant individually.

///

PRAYER FOR RELIEF

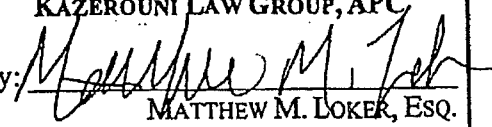
WHEREFORE, Plaintiff prays that judgment be entered against Defendants for:

- an award of actual damages, in an amount to be determined at trial, pursuant to Cal. Civ. Code § 1788.30(a), against each named Defendant individually;
- an award of actual damages, in an amount to be determined at trial, pursuant to 15 U.S.C. § 1692k(a)(1), against each named Defendant individually;
- an award of statutory damages of \$1,000.00, pursuant to Cal. Civ. Code § 1788.30(b), against each named Defendant individually;
- an award of statutory damages of \$1,000.00, pursuant to 15 U.S.C. § 1692k(a)(2)(A), against each named Defendant individually;
- an award of costs of litigation and reasonable attorney's fees, pursuant to Cal. Civ. Code § 1788.30(c), against each named Defendant individually.
- an award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3), against each named Defendant individually; and,
- any and all other relief that this Court deems just and proper.

Dated: October 11, 2012

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: 
MATTHEW M. LOKER, ESQ.
ATTORNEY FOR PLAINTIFF

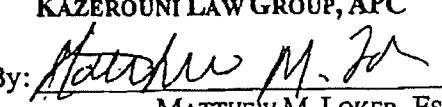
TRIAL BY JURY

34. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: October 11, 2012

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: 
MATTHEW M. LOKER, ESQ.
ATTORNEY FOR PLAINTIFF

KAZEROUNI LAW GROUP, APC
2700 N. Main Street, Ste. 1000
Santa Ana, California 92705

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.

I am over the age of eighteen years and not a party to the within action. My business address is 5959 W. Century Blvd., Suite 1214, Los Angeles, CA 90045.

SEE ATTACHED SERVICE LIST


Linda Brooks

Ali Nakhjavani v. Midland Funding, LLC
File No.: 07630.00

1 Abbas Kazerounian, Esq.
2 Matthew M. Loker, Esq.
3 **KAZEROUNI LAW GROUP, APC.**
4 2700 N. Main Street, Suite 1000
5 Santa Ana, California 92705
6 Tele: (800) 400-6808
7 Fax: (800) 520-5523
8 ak@kazlg.com
9 ml@kazlg.com
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Attorneys for Plaintiff:
ALI NAKHJAVANI

CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

ALI NAKHJAVANI

DEFENDANTS (Check box if you are representing yourself ☐)

MIDLAND FUNDING, LLC

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

Abbas Kazerounian, Esq./ Matthew M. Loker, Esq.
KAZEROUNI LAW GROUP, APC
2700 N. Main Street, Suite 1000/Santa Ana, CA 92705
Tele: (800) 400-6808/Fax: (800) 520-5523

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

Jeanne L. Zimmer, Esq./Tamar Gabriel, Esq.
CARLSON & MESSER LLP
5959 W. Century Blvd., Suite 1214/Los Angeles, CA 90045
Tele: (310) 242-2200/Fax: (310) 242-2222

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff
☐ 2. U.S. Government Defendant
☒ 3. Federal Question (U.S. Government Not a Party)
☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☐ 1. Original Proceeding
☒ 2. Removed from State Court
☐ 3. Remanded from Appellate Court
☐ 4. Reinstated or Reopened
☐ 5. Transferred from Another District (Specify)
☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

15 USC Section 1692, et seq
Alleged violation of the Fair Debt Collection Practices Act

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL PROPERTY	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input checked="" type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	CIVIL RIGHTS	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 448 Education		<input type="checkbox"/> 751 Family and Medical Leave Act	
				<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

SACV13-1555

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input checked="" type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input checked="" type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input checked="" type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims?	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies:

- ☐ 2 or more answers in Column C
- ☐ only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the
SOUTHERN DIVISION.

Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. →

C.2. Is either of the following true? If so, check the one that applies:

- ☐ 2 or more answers in Column D
- ☐ only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the
EASTERN DIVISION.

Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. ↓

Your case will initially be assigned to the
WESTERN DIVISION.
Enter "Western" in response to Question D below.

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	Southern

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): /s/Tamar Gabriel

DATE: 9/26/2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:


Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I am over the age of eighteen years and not a party to the within action. My business address is 5959 W. Century Blvd., Suite 1214, Los Angeles, CA 90045.

SEE ATTACHED SERVICE LIST

Executed this **3rd** day of **October, 2013**, at Los Angeles, California.


Linda Brooks

Ali Nakhjavani v. Midland Funding, LLC
File No.: 07630.00

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Attorneys for Plaintiff:
ALI NAKHJAVANI

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Josephine L. Staton and the assigned Magistrate Judge is Jean P. Rosenbluth.

The case number on all documents filed with the Court should read as follows:

SACV13-1555-JLS (JPRx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

October 3, 2013

Date

By MDAVIS
Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

☒ Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

☐ Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.